

ANDREW BAUM - State Bar No. 190397
abaum@glaserweil.com
ALAINA BIRD - State Bar No. 318044
abird@glaserweil.com
GLASER WEIL FINK HOWARD
JORDAN & SHAPIRO LLP
10250 Constellation Boulevard, 19th Floor
Los Angeles, California 90067
Telephone: (310) 553-3000
Facsimile: (310) 556-2920

*Attorneys for Defendants Robert Luna,
Andrew Palencia, Brian Pineda,
Sergio Palacios, and Clayton Stelter*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

KORRELL SANTANA COLE,

Plaintiff,

V.

LOS ANGELES COUNTY, et al.,

Defendants.

CASE NO. 2:23-cv-10392-SB-PD

Hon. Stanley Blumenfeld, Jr.

**DEFENDANTS' EX PARTE
APPLICATION FOR COUNSEL OF
RECORD ALAINA BIRD TO
APPEAR IN LIEU OF LEAD
COUNSEL ANDREW BAUM AT
DECEMBER 16, 2024 HEARING**

*Declarations of Andrew Baum and
Alaina Bird and [Proposed] Order filed
concurrently herewith*

[DISCOVERY MATTER FOR DETERMINATION BY HON. PATRICIA DONAHUE]

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 PLEASE TAKE NOTICE that Defendants Robert Luna, Andrew Palencia, Brian
4 Pineda, Sergio Palacios, and Clayton Stelter (“Defendants”) hereby apply *ex parte*
5 pursuant to Local Rule 7-19 for an order authorizing Alaina Bird, counsel of record for
6 Defendants, to appear and argue at the December 16, 2024 hearing set by the Honorable
7 Patricia Donahue (Dkt. 82) in lieu of Andrew Baum, lead counsel of record for
8 Defendants.

9 Mr. Baum will be out of the country on December 16, and Ms. Bird will be
10 available to appear in person at the December 16 hearing and prepared to argue on
11 behalf of Defendants.

12 Notice of this Application was provided as required under Local Rule 7-19, the
13 Honorable Stanley Blumenfeld, Jr.’s Standing Order, and Magistrate Judge Donahue’s
14 local rules on the Court’s website. Defendants’ counsel called Plaintiff’s counsel this
15 morning to notify him of this Application, and he stated that Plaintiff would not oppose
16 the Application.

17 This Application is based on this notice, the accompanying memorandum of
18 points and authorities, the Declarations of Andrew Baum and Alaina Bird, and the
19 pleadings and papers on file in this action.

20
21 DATED: December 10, 2024

GLASER WEIL FINK HOWARD
JORDAN & SHAPIRO LLP

22 By: /s/ Andrew Baum
23 ANDREW BAUM
24 ALAINA BIRD

25 *Attorneys for Defendants*
26 *Robert Luna, Andrew Palencia, Brian*
27 *Pineda, Sergio Palacios, and Clayton*
28 *Stelter*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Defendants Robert Luna, Andrew Palencia, Brian Pineda, Sergio Palacios, and
3 Clayton Stelter (“Defendants”) respectfully apply to this Court *ex parte* for an order
4 authorizing Alaina Bird, counsel of record for Defendants in this action, to appear and
5 argue at the December 16, 2024 hearing set by the Honorable Patricia Donahue in lieu
6 of Andrew Baum, lead counsel of record for Defendants in this action.

7 Magistrate Judge Donahue’s local rules on the Court’s website do not contain a
8 requirement that lead counsel attend all hearings; however, the Honorable Stanley
9 Blumenfeld, Jr.’s Standing Order provides that lead counsel must attend all proceedings
10 set by the Court. Accordingly, in an abundance of caution, Defendants submit this
11 Application for the Court’s consideration. Mr. Baum will be out of the country on
12 December 16, 2024 and thus will be unable to attend the hearing set by Magistrate
13 Judge Donahue that day at 9:00 a.m. in Courtroom 580 of the Roybal Federal
14 Courthouse with respect to Plaintiff’s motions at Dkts. 71 and 72 (*see* Dkt. 82).
15 (Declaration of Andrew Baum (“Baum Declaration” or “Baum Decl.”) ¶ 3.) Ms. Bird
16 will be available to attend the hearing in person and prepared to argue on behalf of
17 Defendants. (Declaration of Alaina Bird (“Bird Declaration” or “Bird Decl.”) ¶ 3.)

18 With respect to the notice required under Local Rule 7-19, the last known name,
19 address, telephone number, and email address of Plaintiff’s counsel is as follows:
20 Stephen Yagman; Yagman + Reichmann, LLP, 333 Washington Blvd., Venice Beach,
21 CA 90292-5152; (310) 452-3200; filing@yagmanlaw.net. Defendants’ counsel notified
22 Plaintiff’s counsel of this Application this morning pursuant Local Rule 7-19, Judge
23 Blumenfeld’s Standing Order, and Magistrate Judge Donahue’s local rules on the
24 Court’s website. (Bird Decl. ¶ 4.) Defendants’ counsel called Plaintiff’s counsel and
25 informed him that Defendants would be filing this Application today, December 10,
26 2024, for an order authorizing Ms. Bird to appear in lieu of Mr. Baum at the December
27 16, 2024 hearing before Magistrate Judge Donahue. (*Id.*) Plaintiff’s counsel stated that
28 Plaintiff would not oppose this Application. (*Id.*)

1 Accordingly, Defendants respectfully request that the Court enter an order
2 authorizing Ms. Bird to appear in lieu of Mr. Baum at the December 16, 2024 hearing.
3

4 DATED: December 10, 2024

GLASER WEIL FINK HOWARD
JORDAN & SHAPIRO LLP

6 By: /s/ Andrew Baum
7 ANDREW BAUM
8 ALAINA BIRD

9 *Attorneys for Defendants*
10 *Robert Luna, Andrew Palencia, Brian*
Pineda, Sergio Palacios, and Clayton
Stelter

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Glaser Weil

1 **CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 11-6.2**

2 The undersigned, counsel of record for Defendants Robert Luna, Andrew
3 Palencia, Brian Pineda, Sergio Palacios, and Clayton Stelter, certifies that this brief
4 contains 365 words, which complies with the word limit in Local Rule 11-6.1 and the
5 Honorable Stanley Blumenfeld, Jr.'s Standing Order.

6 .
7
8 DATED: December 10, 2024

GLASER WEIL FINK HOWARD
JORDAN & SHAPIRO LLP

9
10 By: /s/ Andrew Baum
11 ANDREW BAUM
12 ALAINA BIRD

13 *Attorneys for Defendants*
14 *Robert Luna, Andrew Palencia, Brian*
15 *Pineda, Sergio Palacios, and Clayton*
16 *Stelter*

17
18
19
20
21
22
23
24
25
26
27
28

Glaser Weil